



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	State Board of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-210
<b>Regulation Title:</b>	Foster Care – Assessing the Clients Service Needs
<b>Action Title:</b>	Comprehensive Update
<b>Date:</b>	June 18, 2003

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation describes the assessment and reassessment needs of children in foster care and their families. Needs assessments are to occur within 60 days after placement and every six months thereafter while in foster care. Needs assessments are to be written, signed by the foster care worker and supervisor, and placed in the case record. The needs assessment must also incorporate specific information such as background history of the child and family, a summary of the child and family's needs, conditions requiring remediation to facilitate return home, and a permanency goal for the child. Reassessments of child and family needs include a review of progress made in the prior six months and the identification of additional services the child and/or family needs in order to achieve the permanency goal. If necessary, another permanency goal may be selected.

## Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

Pursuant to § 63.2-217 of the Code of Virginia, (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-217>), the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of public assistance and social services programs.

Pursuant to § 63.2-900 et seq. of the Code of Virginia, (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-900>) provides the statutory authority for developing principles, policies and procedures addressing the foster care process.

The regulation does not exceed the scope of the mandate.

## Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No public comment was received during the notice period. An informal advisory group was not formed for purposes of assisting in the periodic review. No advisory group was used in reviewing this regulation.

## Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

The goal of this regulation is to provide guidance regarding the assessment of the needs of children and circumstances of the birth family or prior custodian following acceptance of custody of children and for as long as the child remains in foster care. The regulation is necessary to protect the health, safety and welfare of children because it provides local departments of social services criteria for consideration in making needs assessments and establishing permanency goals for children based on the child's and family's identified needs and on-going progress. The regulation is clearly written and easily understandable by the individuals and entities affected.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

There is no better alternative for achieving the purpose of the existing regulation. The only alternative is to eliminate the regulation and incorporate sections into multiple regulations but this alternative would result in duplication and confusion.

**Recommendation**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

The Department of Social Services recommends that the regulation be retained. Within six to eight months the process to repeal this regulation and replace it with a comprehensive regulation that includes all prevention and permanency regulations will begin.